

January 27, 1967

Captain W.F. Dyson,
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SUBJECT: CRIMINAL INTELLIGENCE(1)
JACK RUBY

Sir:

The attached article appeared in the January 26, 1966 issue of THE DALLAS TIMES HERALD and pertains to SUBJECT.

Court Applauded In Ruby Reversal

An expert in criminal law has praised the Texas Court of Criminal Appeals' decision to order a new trial for the late Jack Ruby.

"The court speedily reversed the first decision and felt there was something unfair about it," said Jon R. Waltz, law professor at Northwestern University. "He believes the court might have felt that Ruby's defense was not adequate," Dallas District Attorney Henry Wade was selfless enough to ponder the rights of the accused in the case," Waltz said.

He made the comments here Wednesday, before speaking to the Founders Day dinner of the Northwestern Alumni Club of Dallas.

CO-AUTHOR OF A BOOK about the trial, Waltz suggested that a "hometown lawyer" could have defended Ruby better than controversial attorney Melvin Belli.

"The choice of Belli was most unfortunate," Waltz said. "Ruby could have been much better off if he had been defended by knowledgeable local counsel." Waltz said that the late Tom Howard of Dallas, who worked with defense lawyers early in the trial, would have been more effective than Belli.

"The defense Howard had worked out was infinitely better than the one Belli presented," he explained.

WALTZ CRITICIZED Belli's defense methods and his conduct — prior to and throughout the lengthy trial.

He called the defense "the most bizarre approach to any capital case that I have ever seen."

Waltz, a practicing attorney in Chicago, characterized Belli as a highly effective personal injury lawyer and noted, "He was trying the case as a personal injury matter, rather than a capital case."

Belli was "unaware of many things" about the case and Dallas, according to Waltz. He praised the "excellent police department, district attorney and sheriff's office."

"I believe Belli came to Dallas to show the rubes how it's done, but instead the rubes just waited and cleaned his clock."

WALTZ SUGGESTED the grounds cited by the appellate court in its reversal "boiled on the ridiculous. It was simply fearful the trial lacked something in fairness."

He said, "The level of defense representation resulted in this lack of fairness."

Waltz explained appellate courts are established to help "verify a situation like this where mistakes have occurred."

He compared the Ruby trial to the Dr. Sam Sheppard case in Cleveland, noting, "That was a miscarriage of justice, too, but the courts didn't act as fast as the Texas Appeals Court."

WALTZ BELIEVES the jury in the Ruby case was not given "any alternatives." After Belli's defense collapsed, only two decisions remained — a verdict of guilty or innocent, he said.

"Howard would have used the temporary insanity plea and tried for a murder without malice verdict," Waltz said.

"Belli's conduct resulted in the jury trying him, instead of Ruby, and that's just what it did."

The case would have run an entirely "different course" with head lawyers, Waltz concluded.

Respectfully submitted,

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Det. 25-124